

U.S. District Court**Western District of North Carolina****Notice of Electronic Filing**

The following transaction was entered on 9/3/2012 at 18:23 PM EDT and filed on 9/3/2012

Case Name: USA v. Davis et al

Case Number: [3:92-cr-00284-FDW](#)

Filer:

Document Number: No document attached

Docket Text:

TEXT-ONLY ORDER denying [20] Motion to Vacate (2255) as to Adrian Lamont Davis (1)
Text of Order: Defendant has filed a section 2255 motion, seeking vacation of his convictions or a reduction in sentence, in part relying upon the recent Fourth Circuit decision United States v. Simmons. To the extent Defendant's motion relies upon Simmons, he fails to benefit from Simmons because all his prior felony convictions occurred before 1994 when North Carolina enacted its Structured Sentencing regime. Thus Defendant was subject to terms of imprisonment in excess of one year. As to all other aspects of Defendant's motion, his motion is untimely -- that is not within the one year requirement set by Congress. Therefore Defendant's motion is DENIED. So Ordered. (FDW)
Civil Case 3:12-cv-00354-FDW closed.

3:92-cr-00284-FDW-1 Notice has been electronically mailed to:

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